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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,442	02/13/2004	Ho-Keung Lee	Lee 2 (LCNT/126171)	8970
46363 7590 07/17/2007 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER PASIA, REDENTOR M	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/779,442	Applicant(s) LEE, HO-KEUNG	
	Examiner Redentor M. Pasia	Art Unit 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/13/2004</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 7-12 and 15 recites the limitation "computer readable medium..." There is insufficient antecedent basis for this limitation in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bakshi et al. (US 6574663 B1; hereinafter Bakshi).

As to claims 1 and 7, Bakshi shows a method of analyzing network characteristics (abstract) comprising the steps of: querying a network element in a communication network for local network information (Figure 2; step 250); receiving the local network information from the network element in response to querying (Figure 2, step 260), the local network information comprising one or more items selected from the group including topology information, connection information, and performance information (col. 5, lines 45-47; col. 4, lines 23-49); analyzing the local network information received to map a communication path established in the network (Figure 2, step 270); responsive to the local network information received and the communication path mapped in the analyzing step, selecting a next network element for querying; and if the next network element has been selected, iterating the method from the querying step for the next network element (col. 5, lines 46-64). Bakshi further shows a computer readable medium storing a software program that, when executed by a computer, causes the computer to perform a method (Active Topology Server 120). \

As to claims 2 and 8, Bakshi shows the step of receiving a notification signal from one or more network elements, the notification signal indicative of a network event, and wherein the step of querying is initiated in response to receiving said notification signal (Figure 4).

As to claims 3 and 9, Bakshi shows the step of determining network capacity using communication path data from the analyzing step (Figure 2, step 270; col. 4, lines 23-55).

As to claims 4 and 10, Bakshi shows the step of determining network performance using the communication path data from the analyzing step (Figure 2, step 270; col. 4, lines 23-55).

As to claims 5 and 11, Bakshi shows the step of detecting network faults using communication path data from the analyzing step (Figure 2, step 270; col. 4, lines 23-55; col. 5, lines 62-64).

As to claims 6 and 12, Bakshi shows that the topology information includes a routing table and wherein the connection information includes a connection table (col. 1, lines 30-32; col. 5, lines 45-47; col. 4, lines 23-49).

As to claim 13, Bakshi shows a method for analyzing network characteristics (abstract) comprising the steps of: receiving a notification signal from a network element, said notification signal indicative of a new communication path set-up by the

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network element and including circuit identifier information (Figure 2, step 210-240; col. 5, lines 15-34); querying a network element in a communication network for connection information (Figure 2, step 250); receiving the connection information from the network element in response to querying (Figure 2, step 270); comparing the connection information with the circuit identifier information to determine a match condition; if the match condition occurs in the comparing step, querying the network element for routing information (Figure 2; steps 210-250; col. 5 lines 46-52); receiving routing information from the network element and analyzing the routing information received to map the new communication path established in the network (Figure 2, step 270); selecting a next network element to query along the new communication path; if the next network element has been selected, fetching from the received circuit identifier information associated with the next network element and iterating the method from the step of querying for the next network element(col. 5, lines 46-52; Figure 2).

As to claims 14 and 15, Bakshi shows the step of storing the communication path established through the communication network (Figure 2, step 270; col. 4, lines 23-55).

As to claim 16, Bakshi shows the step of storing the communication path established through the communication network (Figure 2, step 270; col. 4, lines 23-55).

As to claim 17, Bakshi shows apparatus for analyzing network characteristics in a network including a plurality of network elements interconnected together to form a communication network (Figure 1B, Active Topology Server), the apparatus comprising: means for querying a network element in the communication network for local network information, the local network information comprising one or more items selected from the group including topology information, connection information, and performance information; means, responsive to receipt of the local network information, for analyzing the local network information received to map a communication path established in the network; and means, responsive to the local network information received and the communication path mapped in the analyzing means, for selecting a next network element for querying; wherein the means for querying is responsive to a notification that the next network element has been selected (the same rejection is used as in claim 1).

As to claim 18, the same rejection is used as in claim 2.

As to claim 19, the same rejection is used as in claim 3.

As to claim 20, the same rejection is used as in claim 4.

As to claim 21, the same rejection is used as in claim 5.

As to claim 22, the same rejection is used as in claim 6.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bondi (US 5710885) – see abstract.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redentor M. Pasia whose telephone number is 571-272-9745. The examiner can normally be reached on M-F 7:30am to 5:00pm EST, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571)272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Redentor Pasia

  
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